

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN INGRAM,
Plaintiff,

v.

PACIFIC GAS & ELECTRIC COMPANY,
et al.,
Defendants.

Case No. 12-cv-02777-JST

**ORDER DEFERRING RULING ON
SUMMARY JUDGMENT AND
SETTING CASE MANAGEMENT
CONFERENCE**

This matter is currently set for hearing on Defendants' Motion for Summary Judgment, ECF No. 48, on October 3, 2013. In his opposition to Defendants' Motion, Plaintiff Steven Ingram requests that the Court continue this hearing on the ground that he has sought, but not obtained, discovery relevant to his opposition to the motion. ECF No. 70 at pp. 12-13.

Plaintiff's opposition was filed on September 6, 2013. That same day, Judge Spero issued an order, ECF No. 71, granting certain of the relief Plaintiff had requested in the discovery disputes pending between the parties. While Plaintiff has appealed certain aspects of that order, ECF No. 74, Plaintiff will be entitled to receive additional information relevant to his summary judgment opposition regardless of the outcome of that appeal.

Accordingly, the Court hereby GRANTS Plaintiff's request pursuant to Federal Rule of Civil Procedure 56(d), ECF No. 70 pp. 12-13, to defer the Court's consideration of Defendant's Motion for Summary Judgment. See Fed. R. Civ. P. 56(d) ("If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order."). Without addressing the merits of the motion for summary judgment, the Court finds Plaintiff has adequately shown

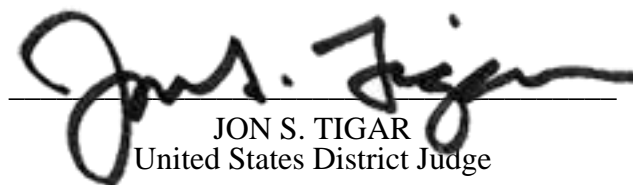
1 through affidavit and judicial process that the facts he seeks from Defendant through discovery are
2 essential to oppose summary judgment. See California Dep't of Toxic Substances Control v.
3 Campbell, 138 F.3d 772, 779 (9th Cir. 1998) (discussing standard for continuance under
4 predecessor Rule 56(f)).

5 The hearing on Defendant's Motion for Summary Judgment currently scheduled for
6 October 3, 2013, at 2:00 p.m., is hereby VACATED. However, the parties are still ordered to
7 appear for a case management conference on the same date and time in Courtroom 9, 19th Floor,
8 450 Golden Gate Ave., San Francisco, California, to discuss the impact of Judge Spero's Order on
9 the case schedule and Plaintiff's request for relief from that schedule, ECF No. 87. If Defendants
10 oppose Plaintiff's request, or wish to propose a competing schedule, they may file a response by
11 by October 1, 2013.

12 The parties should come to the case management conference prepared to discuss case
13 deadlines as well as the timing of supplemental briefing and the motion hearing on Defendant's
14 Motion for Summary Judgment.

15 **IT IS SO ORDERED.**

16 Dated: September 29, 2013

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JON S. TIGAR
United States District Judge